

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. 26-20

**A RESOLUTION CONCERNING
THE ISSUANCE OF A REVOCABLE PERMIT TO GRAND JUNCTION HOUSING
AUTHORITY TO ALLOW FOR ENCROACHMENT OF A MONUMENT STYLE FREE-
STANDING SIGN WITHIN THE PUBLIC RIGHT-OF-WAY ADJACENT TO 3032 N 15TH
STREET**

Recitals.

A. Grand Junction Housing Authority – Jody Kole, hereinafter referred to as the Petitioner, represents she is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

LOT 1 NELLIE BECHTEL GARDENS SEC 1 1S 1W INC VAC ROW AS DESC IN B-4810 P-294 RECP NO 2479396 MESA CO RECDS - 4.75AC

B. The Petitioner has requested that the City of Grand Junction issue a Revocable Permit to allow for installation of a monument style free-standing sign, subject to the terms of the permit, within the limits of the following described public alley right-of-way, to wit (refer to Exhibit B for graphical representation):

A tract of land situated in the Southeast Quarter of the Southwest Quarter of Section 1, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Southwest corner of Lot 1 Nellie Bechtel Gardens as recorded at Reception Number 1588745 of the Mesa County Clerk and Recorder's Office from whence the Northwest corner of said Lot 1 bears N0°05'26"E; thence N0°05'26"E along the West line of said Lot 1 and the East Right of Way for N 15th Street as recorded at Reception Number 1366942 of the Mesa County Clerk and Recorder's Office a distance of 111.44 feet to the Point of Beginning; thence N89°54'34"W a distance of 10.00 feet; thence N0°05'26"E a distance of 10.00 feet; thence S89°54'34"E a distance of 10.00 feet; thence S0°05'26"W a distance of 10.00 feet to the Point of Beginning

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2019-732 in the office of the City's Community Development Department, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

1. That the City Manager is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioner for the purpose aforescribed and within the limits of the public right-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this 20th day of May 2020.

Attest:

W Winkelmann

City Clerk

C. E. Pete W. Zarama

President of the City Council



REVOCABLE PERMIT

Recitals.

A. Grand Junction Housing Authority, a body corporate and politic, hereinafter referred to as the Petitioner, represents it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

LOT 1 NELLIE BECHTEL GARDENS SEC 1 1S 1W INC VAC ROW AS DESC IN B-4810 P-294 RECP NO 2479396 MESA CO RECDS - 4.75AC

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to construct a monument style free-standing sign ("Sign") on the real property described on Exhibit A, which is within the public right-of-way and identified on Exhibit B ("Public Right-of-Way").

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2019-732 in the office of the City's Community Development Division, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby issued to the above-named Petitioner a Revocable Permit for the purpose described above and within the limits of the Public Right-of-Way; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following terms and conditions:

1. The Petitioner's use and occupancy of the Public Right-of-Way as authorized pursuant to this Permit shall be performed with due care as may be required to avoid creating hazardous or dangerous situations and to avoid damaging public improvements and public utilities or any other facilities presently existing or which may in the future exist in said right-of-way.

2. The City hereby reserves and retains a perpetual right to utilize all or any portion of the Public Right-of-Way for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any reason.

3. The Petitioner, for itself and for its successors, assigns and for all persons claiming through the Petitioner, agrees that it shall defend all efforts and claims to hold, or attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to any property of the Petitioner or any other party, as a result of the Petitioner's occupancy, possession or use of the Public Right-of-Way

4. The Petitioner agrees that it shall at all times keep the Public Right-of-Way in good condition and repair.

5. This Revocable Permit shall be issued only upon the concurrent execution by the Petitioner of an agreement that the Petitioner and the Petitioner's successors and assigns shall save and hold the City of Grand Junction, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, with respect to any claim or cause of action however stated arising out of, or in any way related to, the encroachment or use permitted, and that upon revocation of this Permit by the City the Petitioner shall, at the sole cost and expense


of the Petitioner, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to the last known address), peaceably surrender the Public Right-of-Way and, at its own expense, remove any encroachment so as to make the Public Right-of-Way available for use by the City or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit only until such time as Petitioner has removed its Sign from the Public Right-of-Way and the Public Right of Way is restored to a condition reasonably acceptable to the City.

6. This Revocable Permit, the foregoing Resolution and the following Agreement shall be recorded by the Petitioner, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

7. Petitioner has obtained all applicable Planning Clearance(s) from City Planning and Mesa County Building Department.


Dated this 25 day of June, 2020.

The City of Grand Junction,
a Colorado home rule municipality



Greg Caton, City Manager

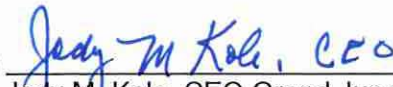
Attest:



Wanda Winkelmann, City Clerk

Acceptance by the Petitioner:

Grand Junction Housing Authority, a body corporate and politic

By: 

Jody M. Kole, CEO Grand Junction Housing Authority

By: 

John T. Howe, Chair of the Board of
Commissioners Grand Junction Housing Authority

EXHIBIT A

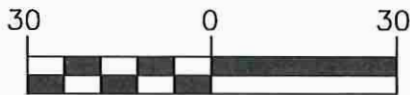
A tract of land situated in the Southeast Quarter of the Southwest Quarter of Section 1, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Southwest corner of Lot 1 Nellie Bechtel Gardens as recorded at Reception Number 1588745 of the Mesa County Clerk and Recorder's Office from whence the Northwest corner of said Lot 1 bears $N0^{\circ}05'26''E$; thence $N0^{\circ}05'26''E$ along the West line of said Lot 1 and the East Right of Way for N 15th Street as recorded at Reception Number 1366942 of the Mesa County Clerk and Recorder's Office a distance of 111.44 feet to the Point of Beginning; thence $N89^{\circ}54'34''W$ a distance of 10.00 feet; thence $N0^{\circ}05'26''E$ a distance of 10.00 feet; thence $S89^{\circ}54'34''E$ a distance of 10.00 feet; thence $S0^{\circ}05'26''W$ a distance of 10.00 feet to the Point of Beginning

EXHIBIT B



GRAPHIC SCALE:
1"=30'

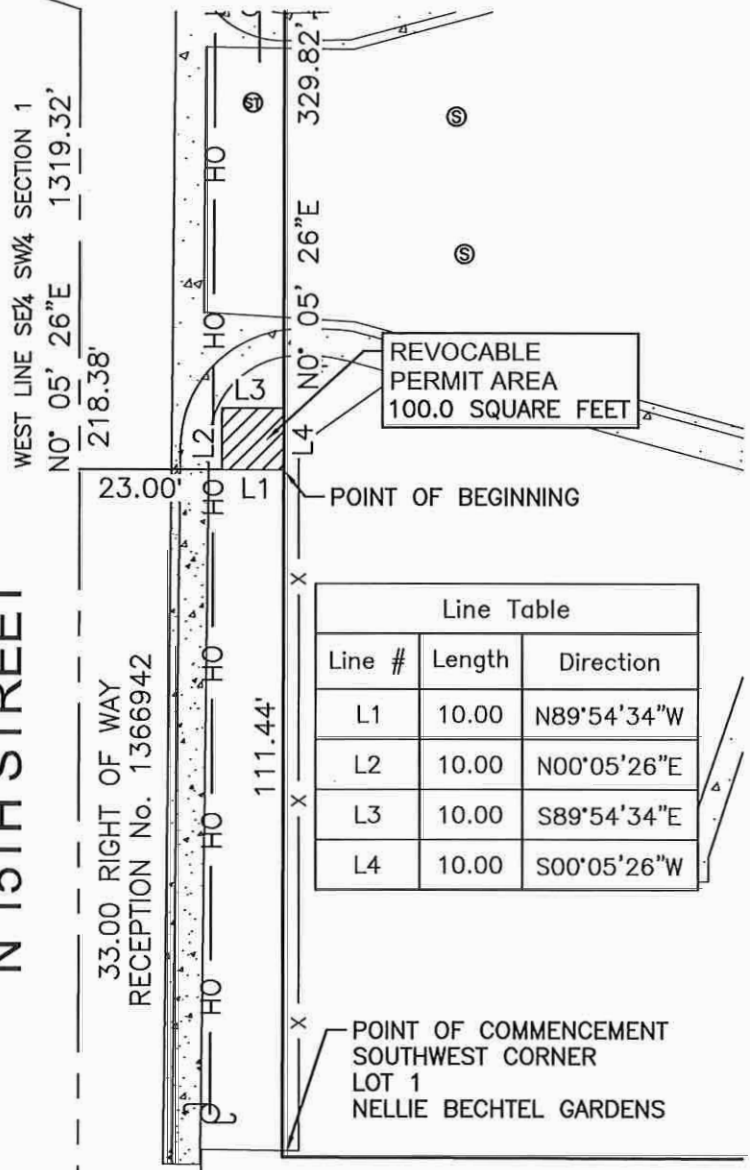


LINEAR UNITS ARE U.S. SURVEY FEET



SW $\frac{1}{4}$ CORNER
SECTION 1, T1S,
R1W, UTE
MCSM No. 1012-2

N 15TH STREET



Legal Description Sketch

Nellie Bechtel Gardens Subdivision
Revocable Permit – N 15th Street

In the Southwest Quarter Section 1,
Township 1 South, Range 1 West of the Ute Meridian,
City of Grand Junction, County of Mesa, State of Colorado

POLARIS SURVEYING

PATRICK W. CLICK P.L.S.

3194 MESA AVE
GRAND JUNCTION, CO 81504
PHONE (970)434-7038

AGREEMENT

Grand Junction Housing Authority, a body corporate and politic, for itself and for its successors and assigns, does hereby agree to:

- (a) Abide by each and every term and condition contained in the foregoing Revocable Permit;
- (b) Indemnify and hold harmless the City of Grand Junction, its officers, employees and agents with respect to all claims and causes of action, as provided for in the Revocable Permit;
- (c) Within thirty (30) days of revocation of said Permit by the City Council, peaceably surrender the Public Right-of-Way to the City of Grand Junction;
- (d) At the sole cost and expense of the Petitioner, remove any encroachment so as to make the Public Right-of-Way fully available for use by the City of Grand Junction or the general public.

Dated this 12th day of June, 2020.

Grand Junction Housing Authority, a body corporate and
politic


By: Jody M Kole, CEO
Jody M. Kole, CEO

By: J. T. H.
John T. Howe, Chair of the Board of
Commissioners

State of Colorado)
) ss.
County of Mesa)

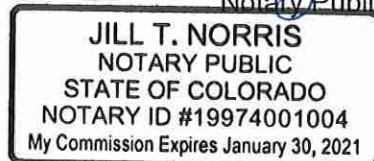
The foregoing Agreement was acknowledged before me this 12th day of June, 2020, by Jody M. Kole as CEO of the Grand Junction Housing Authority, a body corporate and politic.

My Commission expires: 1-30-2021
Witness my hand and official seal.




Notary Public

State of Colorado)
) ss.
County of Mesa)



The foregoing Agreement was acknowledged before me this 17th day of June, 2020, by John T. Howe as Chair of the Board of Commissioners of the Grand Junction Housing Authority, a body corporate and politic.

My Commission expires: 1-30-2021
Witness my hand and official seal.



Notary Public

